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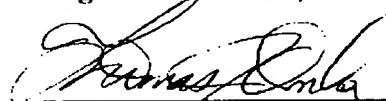
In re the Application

Inventor : ENGELBERTUS VAN WILLIGEN  
Application No. : 09/427,819  
Filed : October 27, 1999  
For : BROADCAST NETWORK WITH INTERACTIVE  
SERVICES

APPEAL BRIEF

On Appeal from Group Art Unit 2132

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Date: December 10, 2007

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APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

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**TABLE OF CONTENTS**

	<b><u>Page</u></b>
<b>I. REAL PARTY IN INTEREST.....</b>	<b>3</b>
<b>II. RELATED APPEALS AND INTERFERENCES.....</b>	<b>3</b>
<b>III. STATUS OF CLAIMS.....</b>	<b>3</b>
<b>IV. STATUS OF AMENDMENTS.....</b>	<b>3</b>
<b>V. SUMMARY OF CLAIMED SUBJECT MATTER.....</b>	<b>4</b>
<b>VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....</b>	<b>6</b>
<b>VII. ARGUMENT.....</b>	<b>6</b>
<b>VIII. CONCLUSION .....</b>	<b>10</b>
<b>IX. CLAIMS APPENDIX.....</b>	<b>11</b>
<b>X. EVIDENCE APPENDIX.....</b>	<b>14</b>
<b>XI. RELATED PROCEEDINGS APPENDIX.....</b>	<b>14</b>

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

## **I. REAL PARTY IN INTEREST**

U.S. Philips Corporation is the real party in interest.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **III. STATUS OF CLAIMS**

As filed, this case included claims 1-10. Claims 1, 4-7, and 9 remain pending, stand rejected, and form the basis of this appeal.

## **IV. STATUS OF AMENDMENTS**

In response to the patent application filed on October 27, 1999, and afforded US Patent Application Serial No. 09/427,819. This appeal is in response to Office Action, dated January 10, 2007 and a Final Office Action, dated July 7, 2007. The Office Action rejected claims 1, 4-7 and 9 under 35 USC 102(e) as being anticipated by Brooks et al., U.S.P. 5,973,684 (hereinafter "Brooks"). On April 4, 2007, an amendment in response to the Office Action dated January 10, 2007, was entered by the Examiner. On September 6, 2007, in response to the Final Office Action dated July 7, 2007 a request for reconsideration was entered.

On September 13, 2007, an Advisory Action was entered into the record. The Advisory Action stated that the arguments filed on September 6, 2007 are not persuasive. In response, a Notice of Appeal was filed on October 9, 2007.

APPEAL BRIEF  
Serial No.: 09/427.819  
Attorney Docket No.: PHN017166

## V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, particularly, claim 1 discloses a Broadcast network having an information server coupled to an internet protocol gateway, a plurality of subscriber terminals coupled to the internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server, a return channel for transmitting information from a subscriber terminal to a head-end, wherein the subscriber terminal is configured to enable a subscriber to request (see page 1, lines 1-6) from an authorization server using an internet protocol gateway, one or more of a plurality of services, the authorization server configured to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server, and the authorization server is configured to enable the subscriber to access said one or more plurality of services, wherein each requested service can be authorized separately (see page 2, lines 1-12).

Claim 5 discloses a subscriber station for receiving broadcast signals, said subscriber stations being arranged for transmitting information via a return channel to a head-end, (see page 1, lines 1-4) wherein the subscriber station is configured to enable a subscriber to logon and transmit an authorization request message to an authorization server, the subscriber station further being arranged for receiving authorization messages from the authorization server, and in that the subscriber station is arranged for requesting services

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

from the head-end after receiving a positive authorization message, wherein each requested service can be authorized separately (see page 2, lines 1-12).

Claim 6 discloses a gateway for passing information from an information server to at least one subscriber terminal, (see page 1, lines 1-6) wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network, and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server, wherein each requested service can be authorized separately (see page 2, lines 1-12).

Claim 7 discloses a method for transmitting broadcast signals to at least one subscriber station and transmitting information from the subscriber terminal to an head-end, the method comprising the steps of authorizing the access of the subscriber terminal to available services (see page 1, lines 1-6), wherein a subscriber terminal is configured to send a request to an authorization server to for one or more of a plurality of services to the authorization server-checking, by the authorization service using an internet protocol gateway, the entitlement of the subscriber terminal to the one or more of a plurality of services to be provided, and enabling the subscriber to access said one or more of the plurality of services by transmitting a message to the gateway to grant said subscriber access to said services(see page 2, lines 1-12).

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

Claim 4 depends from independent claim 1 and recites further aspects of the invention claimed.

Claim 9 depends from independent claim 7 and recites further aspects of the invention claimed.

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issue in the present matter is whether:

Claims 1, 4-7 and 9 under 35 U.S.C. 102(e) are anticipated by Brooks et al (U.S. Patent No. 5,973,684).

#### **VII. ARGUMENT**

(1) Rejection of claims 1, 4-7 and 9 under 35 U.S.C. 102(e) as anticipated by Brooks et al (U.S. Patent No. 5,973,684).

Appellants respectfully submit that the rejection of claims 1, 4-7 and 9 under 35 U.S.C. 102(e) as anticipated by Brooks et al (U.S. Patent No. 5,973,684) is in error as the

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

reference fails to show a limitation cited in the independent claims 1, and 5-7 and claims depending therefrom.

With regard to independent claim 1, Applicants respectfully submit Brooks fails to disclose, teach or imply the limitation of “the subscriber terminal is configured to enable a subscriber to request, from an authorization server using an internet protocol gateway, one or more of a plurality of services”, as claimed in claim 1. Independent claims 5-7 recite similar limitations.

The Final Office Action points to col. 17, lines 33-62, col. 18, lines 26-36, and col. 22, lines 3-6 of Brooks to show these limitations. Applicants respectfully disagree. In col. 17, lines 33-62, Brooks teaches that “a video information user (VIU) who wishes service on the network via one of the LVAN’s 308 may request the service either by calling a network business office by telephone or by requesting a level 1 gateway session to perform on-line registration” to request the service from the service provider. Thus, Brooks teaches that a user must contact the *service provider* to request a service at which point, the service provider updates the appropriate equipment to authorize the service, see col. 17, lines 42-62. The same is true for pay-per-view events; see col. 22, lines 22-43. Nothing in Brooks teaches the use of an authorization server. Brooks level 1 gateway 300 is used as an interface for two-way ATM cell based communication, see col. 14, line 67 – col. 15, line 5, between a VIU and a service provider, see col. 18, lines 16-20.

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

The Advisory Action points to col. 18, lines 26-28, 30-36 and col. 22, lines 34-43 to show these limitations. Applicants respectfully disagree. In col. 18, lines 26-36, Brook teaches that the level 1 gateway 300 stores various information relating to each subscriber's services ... *at least some of this stored data is accessible to the subscriber* through a direct interaction with the level 1 gateway 300. This information can be used to identify certain service providers and define codes or number before the network should provide service.

In contrast, the present invention enables a user station to simply request a service from an authorization server, at which point the user station receives a reply *and not just accessible stored data relating to a user.*

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Brooks cannot be said to anticipate the present invention, because Brooks fails to disclose each and every element recited.

Having shown that Brooks fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claim.



APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

Accordingly, since the Brooks fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 102(c), Appellants respectfully submit that independent claims 1 and 5-7 are allowable. Claims 4 and 9 depend from independent claims 1 and 7 respectively, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 4 and 9 are also allowable by virtue of its dependence from an allowable base claim.

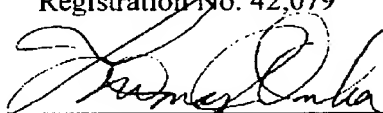
APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: FID#017166

### **VIII. CONCLUSION**

In view of the above analysis, it is respectfully submitted that the referred to reference fails to anticipate the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

Respectfully submitted,

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By: Thomas J. Onka  
Attorney for Applicant  
Registration No. 42,053

Date: December 10, 2007

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

## IX. CLAIMS APPENDIX

1. A Broadcast network comprising:

an information server coupled to an internet protocol gateway;  
a plurality of subscriber terminals coupled to the internet protocol gateway,  
the subscriber terminals for receiving broadcast signals from the information server;  
a return channel for transmitting information from a subscriber terminal to a  
head-end;  
wherein the subscriber terminal is configured to enable a subscriber to request,  
from an authorization server using an internet protocol gateway, one or more of a plurality of  
services; the authorization server configured to check the entitlement of the subscriber to the  
one or more of a plurality of services to be provided by the information server, and the  
authorization server is configured to enable the subscriber to access said one or more  
plurality of services, wherein each requested service can be authorized separately.

2. Canceled.

3. Canceled.

4. The Broadcast network according to claim 1, wherein said services are  
transmitted using IP packets, and in that said request comprises information about at least  
one destination IP address to which IP packets from the subscriber station are passed.

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

5. A Subscriber station for receiving broadcast signals, said subscriber stations being arranged for transmitting information via a return channel to a head-end, wherein the subscriber station is configured to enable a subscriber to logon and transmit an authorization request message to an authorization server, the subscriber station further being arranged for receiving authorization messages from the authorization server, and in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message, wherein each requested service can be authorized separately.

6. A gateway for passing information from an information server to at least one subscriber terminal, wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using a protocol network, and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server, wherein each requested service can be authorized separately.

7. A method comprising transmitting broadcast signals to at least one subscriber station and transmitting information from the subscriber terminal to an head-end, the method comprising the steps of:

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

authorizing the access of the subscriber terminal to available services, wherein a subscriber terminal is configured to send a request to an authorization server to for one or more of a plurality of services to the authorization server;

checking, by the authorization service using an internet protocol gateway, the entitlement of the subscriber terminal to the one or more of a plurality of services to be provided; and

enabling the subscriber to access said one or more of the plurality of services by transmitting a message to the gateway to grant said subscriber access to said services.

8. Canceled.

9. The Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station.

10. Canceled

APPEAL BRIEF  
Serial No.: 09/427,819  
Attorney Docket No.: PHN017166

### **EVIDENCE APPENDIX**

No evidence has been submitted.

### **RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.